

1 **COHEN|JOHNSON|PARKER|EDWARDS**
2 H. STAN JOHNSON, ESQ.
3 Nevada Bar No. 00265
4 sjohnson@cohenjohnson.com
5 KEVIN M. JOHNSON, ESQ.
6 Nevada Bar No. 14551
7 kjohnson@cohenjohnson.com
8 375 East Warm Springs Road, Suite 104
9 Las Vegas, Nevada 89119
10 Telephone: (702) 823-3500
11 Facsimile: (702) 823-3400
12 *Attorneys for Plaintiff*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 SECURITIES AND EXCHANGE
16 COMMISSION,

17 Plaintiff,

18 v.

19 ROBERT CORTEZ MARSHALL,

20 Defendants.

Case No. 2:17-cv-2189

21 **STIPULATION AND ORDER TO**
22 **EXTEND DISCOVERY DATES AND**
23 **TRIAL**
24 **(FIRST REQUEST)**

25 **IT IS HEREBY STIPULATED** by and between Plaintiff, SECURITIES AND
26 EXCHANGE COMMISSION, and Defendant ROBERT CORTEZ MARSHALL, by and
27 through their respective counsel of record, that all case deadlines should all be continued,
28 pursuant to LR IA 6-1, as follows:

1 **I. SIGNIFICANT RECENT DEVELOPMENTS**

2 Defendant has recently been served a private civil suit relating to the same events at the
3 center of this action that will require Defendant's time and attention. Moreover, the parties have
4 engaged in preliminary settlement discussions and are interested in alternative methods of
5 dispute resolution. The parties plan to schedule a settlement conference with a magistrate judge
6 in this matter.

7 ///

II. A STATEMENT SPECIFYING THE DISCOVERY COMPLETED

Prior to bringing this action, the Securities and Exchange Commission conducted its investigation and reserves the right to conduct further depositions including that of the Defendant, which it noticed for April 20, 2018, and was informed that the Defendant would not appear on that date. Defendant has been reviewing the documents produced by Plaintiff in connection with its initial disclosures.

III. A SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED

Defendant needs more time to review and analyze the investigation conducted by Plaintiff and respond with more discovery of its own. Specifically, Defendant will need time to conduct its own depositions of the witnesses in this matter in order to mount a defense. Plaintiff also reserves the right to conduct further depositions if this matter is not settled.

IV. THE REASONS WHY DISCOVERY REMAINING WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCOVERY ORDER

The aforementioned civil suit as well as continued efforts by the parties to settle this case have taken precedence over discovery in this matter.

V. CURRENT DISCOVERY DEADLINES

The current Scheduling Order provides the following deadlines:

Final date to file motions to amend pleadings/add parties: January 19, 2018

Final dates for expert disclosures:

i. Initial Disclosures: March 16, 2018

ii. Rebuttal Disclosures: April 6, 2018

Close of discovery: April 20, 2018

Final date to file dispositive motions: May 21, 2018

VI. A PROPOSED SCHEDULE FOR COMPLETEING ALL REMAINING DISCOVERY

Plaintiff and Defendants propose the following revised schedule, which they believe will accommodate the needs of all parties in this case:

Final date to file motions to amend pleadings/add parties: **April 19, 2018**

Final dates for expert disclosures:

i. Initial Disclosures: **June 14, 2018**

ii. Rebuttal Disclosures: **July 5, 2018**

Close of discovery: **July 19, 2018**

Final date to file dispositive motions: **August 19, 2018**

VII. THE CURRENT TRIAL DATE

There currently is no trial date set for this case. A trial date and related dates will be specified by the Court in an Order.

This Stipulation is brought in good faith and not for the purpose of delay or any other improper purpose and is necessary for the complete and proper disposition of this case.

Dated this 4th day of May 2018.

Dated this 4th day of May 2018.

**SECURITIES AND EXCHANGE
COMMISSION**

COHEN JOHNSON PARKER EDWARDS

By: /s/ David J. Van Havermaat
DAVID J. VAN HAVERMAAT, ESQ.
Attorney for Plaintiff
Securities and Exchange Commission

By: /s/ H. Stan Johnson
H. STAN JOHNSON, ESQ.
Attorney for Defendant
Robert Cortez Marshall

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that upon Stipulation of counsel and good cause appearing therefor, the parties' Stipulation and Order to Extend Discovery Dates and Trial (First Request) is hereby Approved.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the discovery deadlines and trial date shall be amended as follows:

The current Scheduling Order lists the following deadlines:

Final date to file motions to amend pleadings/add parties: January 19, 2018

Final dates for expert disclosures:

i. Initial Disclosures: March 16, 2018

ii. Rebuttal Disclosures: April 6, 2018

Close of discovery: April 20, 2018

Final date to file dispositive motions: May 21, 2018

Applying the stipulated extension to the discovery deadlines creates the following ordered schedule to complete all discovery and other matters:

Final date to file motions to amend pleadings/add parties: **April 19, 2018**

Final dates for expert disclosures:

i. Initial Disclosures: **June 14, 2018**

ii. Rebuttal Disclosures: **July 5, 2018**

Close of discovery: **July 19, 2018**

Final date to file dispositive motions: **August 19, 2018**

A trial date and related dates shall be set by the Court in an Order.

IT IS SO ORDERED.

DATED this 7th day of May 2018.


UNITED STATES MAGISTRATE JUDGE